

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
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ELECTRONICALLY FILED  
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DATE FILED: 9/21/2022

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HILARY A. BEST,

Plaintiff,

-v -

JAMES MERCHANT, et al.,

Defendants.

1:21-cv-779-GHW


ORDER

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GREGORY H. WOODS, United States District Judge:

Plaintiff's application to strike Defendants' motion to dismiss, Dkt. No. 71, is denied. The application is frivolous because when the motion to dismiss was filed, the submitting attorney was active counsel in this case; he did not withdraw as counsel for Defendants until after the date of filing. *See* Dkt. No. 43 (motion to dismiss); Dkt. No. 53 (motion to withdraw as counsel). Plaintiff is granted an extension of time to oppose the motion to dismiss. It must be filed no later than October 13, 2022. Plaintiff should not expect further extensions of time. If Plaintiff fails to file his opposition by that date, the Court will treat the motion as unopposed, and will rule on it in due course without the benefit of plaintiff's arguments. Defendants' reply, if any is due October 20, 2022. The Clerk of Court is directed to mail a copy of this order to Plaintiff.

SO ORDERED.

Dated: September 21, 2022  
New York, New York

  
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GREGORY H. WOODS  
United States District Judge